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*Attorneys for Equity Owners
Ross Sullivan and Kelleen Sullivan*

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

In re

Case No.: 17-10067-RLE

SVP,

Debtor.

Chapter 11

**MODIFICATIONS TO COMBINED
PLAN AND DISCLOSURE
STATEMENT PROPOSED BY
SULLIVAN FAMILY (DECEMBER 20,
2019)**

CONFIRMATION HEARING

Date: February 26, 2020
Time: 10:00 a.m.
Place: 1300 Clay Street, Room 201
Oakland, CA 94612
Judge: The Hon. Roger L. Efremsky

**TO ALL CREDITORS AND PARTIES ENTITLED TO NOTICE UNDER FEDERAL
RULE OF BANKRUPTCY PROCEDURE 2002:**

Plan Proponents Ross Sullivan and Kelleen Sullivan hereby offer the following modifications to their Combined Plan and Disclosure Statement Proposed by Sullivan Family (December 20, 2019) (the “Plan”).

1. The definition of “Effective Date” found in Article III of the Plan shall be amended and restated so that it reads as follows:

“Effective Date” means the business day following the Confirmation Date chosen and announced by the Plan Proponents in their sole and absolute discretion so long as the Order of Confirmation is not subject

1 to a stay. Such choice and announcement shall be made by filing and
2 service of a Notice of Effective Date by the Plan Proponents.
3

2. Section 8.1 shall be revised to read as follows:

4 **8.1 Post-Confirmation Operations and Management of the**
5 **Estate.** From and after the Effective Date, the Reorganized Debtor
6 shall manage the assets of its Estate and shall have all of the authority
7 to act on behalf of such Estate. Such management shall include,
8 without limitation, (a) fulfilling the duties and obligations of the Estate
9 under the Plan; (b) prosecuting the Estate Retained Claims as well as
10 Claim objections utilizing business judgment, (c) abandoning any
11 assets deemed to be burdensome or of inconsequential value to the
12 Estate; (d) succeeding to the chapter 11 trustee's attorney/client
13 privilege and work product protection in all respects; (e) taking
14 possession of all documents (electronic or otherwise) relating to the
15 chapter 11 administration of the Estate, including those subject to the
16 attorney-client privilege; and (f) otherwise fully administering the
17 Estate as required by the Plan, the Order of Confirmation, the
18 Bankruptcy Code and the Bankruptcy Rules. Without limiting the
19 foregoing, the Reorganized Debtor will have all of the rights and
20 powers of an estate representative appointed pursuant to Section
21 1123(b)(3) of the Bankruptcy Code. This Plan shall be deemed to
22 amend the Debtor's partnership agreement to provide for the
23 appointment of an independent fiduciary to perform the functions of
24 "Manager of the General Partnership." That independent fiduciary
25 shall be Bill Brinkman of Jigsaw Advisors. The partnership agreement
26 shall further be deemed amended to provide that Mr. Brinkman shall
27 continue to serve as such until the earlier of (a) his resignation or (b) or
28 the entry of a final decree. The partners of SVP shall have no ability
to remove Mr. Brinkman from his post unless he resigns or a court of
competent jurisdiction, upon motion by one or more of the partners of
SVP, shall remove him for gross negligence or willful misconduct.
Upon resignation of Mr. Brinkman, he shall select his replacement. In
the event of Mr. Brinkman's death or disability, the Court will appoint
a replacement.

20 Dated: February 21, 2020

PACHULSKI STANG ZIEHL & JONES LLP

22 By: /s/ John D. Fiero

23 John D. Fiero

24 *Attorneys for Equity Owners,
Ross Sullivan and Kelleen Sullivan*

1 STATE OF CALIFORNIA)
2 CITY OF SAN FRANCISCO)

3 I, Oliver Carpio, am employed in the city and county of San Francisco, State of California.
4 I am over the age of 18 and not a party to the within action; my business address is 150 California
Street, 15th Floor, San Francisco, California 94111-4500.

5 On February 21, 2020, I caused to be served the following documents in the manner stated
6 below:

7

- **MODIFICATIONS TO COMBINED PLAN AND DISCLOSURE STATEMENT
PROPOSED BY SULLIVAN FAMILY (DECEMBER 20, 2019)**

<input checked="" type="checkbox"/>	TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document was served by the court via NEF and hyperlink to the document. On <u>February 21, 2020</u> , I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below
<input type="checkbox"/>	(BY MAIL) I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at San Francisco, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
<input type="checkbox"/>	(BY EMAIL) I caused to be served the above-described document by email to the parties indicated on the attached service list at the indicated email address.

18 I declare under penalty of perjury, under the laws of the State of California and the United
19 States of America that the foregoing is true and correct.

20 Executed on February 21, 2020 at San Francisco, California.

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23 _____
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28 _____

21 */s/ Oliver Carpio*
22 Legal Assistant

1 1. **SERVED VIA ECF/NEF**

2 • **Jay D. Crom** jcrom@bachcrom.com
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